IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 810/2005
(Azad Khan Vs. Sajida Bano)

Date of Order : 26/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Rajendra Charan for the petitioner.
Mr. Sudhir Saruparia for the non-petitioners.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner seeks quashing of proceedings under Section 125 Cr.P.C. as also setting aside of the order dated 1.5.2004 passed by Judicial Magistrate, Rawatbhata (for short 'the trial court' hereinafter) whereby the trial court dismissed the application filed by the petitioner under Section 5 of Muslim Women (Protection of Rights on Divorce) Act, 1986 seeking dismissal of the application filed by the non-petitioner under Section 125 Cr.P.C. seeking maintenance.

In view of the Constitution Bench decision of Hon'ble Supreme Court in Danial Lathifi Vs. Union of India, (2001) 7 SCC

740, I do not find any merit in the petition. The petition is therefore, dismissed. Stay petition also stands dismissed. Record of the trial court be returned forthwith. The trial court shall proceed with the matter utmost expeditiously.

(H.R.PANWAR),J.

rp